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VIA ECFS

5 December 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *COMMENTS REGARDING PETITION OF SOMOS, INC. FOR A DECLARATORY RULING*

*REGARDING REGISTRATION OF TEXT-ENABLED TOLL-FREE NUMBERS, WC
Docket 95-155, WT Docket No. 08-7*

Dear Ms. Dortch:

In response to the October 28, 2016 petition filed by Somos, Inc. with the Commission, requesting a 'Declaratory ruling regarding registration of text-enabled toll-free numbers,' we offer the following comments:

- **Texting for 8xx toll-free numbers matters**
 - The majority of the world is now 'mobile enabled,' estimated at 4.61B¹ people out of a total world-wide population of 7.4B². Thus, approximately ~62% of the global population uses text-enabled devices
 - In the United States, the proportion of mobile device users is even higher. As of 2016, approximately 262.2M³ people use mobile phones in the United States out of a population of 322M⁴. Therefore, ~81% of the American population uses text-enabled devices.
 - Regardless of written language or geographic location, virtually every human globally

¹ <https://www.statista.com/statistics/274774/forecast-of-mobile-phone-users-worldwide/>

² <http://www.worldometers.info/world-population/>

³ <https://www.statista.com/statistics/222306/forecast-of-smartphone-users-in-the-us/>

⁴ https://www.census.gov/popclock/embed.php?component=pop_on_date&date=20160101





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understands the numeric characters of '0' through '9' and how to use a telephone number. Texting is merely a further application of the telephone number as a truly global universal address due to the international PSTN directory that enables anyone to contact anyone else globally.

- The enablement of 8xx toll free numbers for text and picture messaging, known technically as SMS⁵ and MMS⁶, has opened up significant capabilities for consumers and businesses alike to communicate in a manner that was not previously available to either.
- 8xx toll free numbers are similar to Internet domain names: for both, 'your name is your brand.' Examples include 800-FLOWERS, 800-DIRECTV, 800-4-A-CHILD, etc. Not only does adding texting help the business, but the consumer benefits because it is the ***brand*** they are already familiar with and remember.
- **Concerns**
 - Enabling texting services for 8xx toll free numbers can currently be done without the permission or knowledge of its 'owner'.
 - Unlike laws and rules that are in place to protect against 'slamming'⁷ (the unapproved reassignment of a service provider) for voice services on phone numbers, there are no such measures or recourse in place today in cases of reassignment of texting service providers of an 8xx toll free number.
 - The telecommunications ecosystem for 8xx toll free texting does not have an authoritative directory, is problematic, and provides potential for mischief.
 - The current environment for handling 8xx toll free texting with the mobile network operators employs a single gateway provider that all 8xx toll free texting must be funneled through.
 - Technically, this is an operational single point of failure with only one gateway service provider with no alternative to switch to in case of an operational fault such as hardware or software failure, or a mechanical fault such as a fiber cut of its network service provider.
 - Since there is only one gateway service provider, there is no competition to provide choice for such services and thus creates a financial environment leading to pricing that is not commensurate with a competitive market, which ultimately harms the consumer, which is the end user of services facilitated by 8xx toll free texting.
- **Recommendations**
 - The telecommunications ecosystem **must** have an authoritative source directory for 8xx toll free numbers enabled for text'ing services. 100% integrity and reliability of a

⁵ SMS – Short Message Service

⁶ MMS – Multimedia Message Service

⁷ <https://www.fcc.gov/consumers/guides/slamming-switching-your-authorized-telephone-company-without-permission>



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directory can only be accomplished with one authoritative root.

- The global Internet succeeds and works as well as it does by employing a single authoritative root that is governed by a neutral (read: no conflicts of interest with any other organization or operational entity)⁸
- Protection against unauthorized reassignment and enablement of 8xx toll free numbers for texting services. Only an owner or its designate should be able to reassign or enable 8xx toll free numbers for texting services.
- Ultimately, whomever is paying the cost of the 8xx toll free number should be the one to choose their service providers (voice, text, video, etc.). E.g. - If 800-DIRECTV decides they want service provider X for voice, service provider Y for texting, and service provider Z for video, that should be DIRECTV's sole decision.
- Competition for 8xx toll-free texting services
- Competition for interconnection to the mobile network operators of 8xx toll free texting services
 - Implementation of resellers of a single entity that controls access to the mobile network operators is not competition.

The United States has been a model in innovation and competition. The nascent state of 8xx toll free texting is one that requires action be taken to ensure it succeeds and to enable that innovation.

Pursuant to the Commission's rules, this notice is being filed for inclusion in the public record. Please contact me should you have any questions.

Regards,

Gene Lew

Gene Lew
Principal Architect
Salesforce

⁸ <https://www.icann.org/resources/pages/unique-authoritative-root-2012-02-25-en>

